

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

MORRIS & DICKSON CO., LLC

CIVIL ACTION NO. _____

v.

JUDGE _____

JEFFERSON B. SESSIONS, III, ET AL

MAGISTRATE JUDGE _____

MOTION FOR TEMPORARY RESTRAINING ORDER

Pursuant to Federal Rule of Civil Procedure 65, Movers, Morris & Dickson Co., LLC and Morris & Dickson Co., LLC d/b/a Spark Drug, Inc. (“Morris & Dickson”), hereby move for a temporary restraining order (1) prohibiting Defendants, Jefferson B. Sessions, III, the United States Department of Justice, Robert W. Patterson, the Drug Enforcement Administration (the “DEA”), or anyone acting on their behalf from enforcing the Order to Show Cause and Immediate Suspension of Registration (the “License Suspension Order”) executed on May 2, 2018 to Morris & Dickson, which purports to immediately suspend DEA Certificates of Registration Nos. RM0314790 and RM0335732 (the “Certificates”); (2) directing Defendants to immediately return any registrations, licenses, or forms required to make this Court’s temporary restraining order effective; (3) directing Defendants to return or unseal any controlled substances seized or placed under seal in connection with the License Suspension Order; and (4) maintaining the status quo pending the conclusion of this case, including issuance of a temporary restraining order and, in due course, a preliminary injunction.

As set forth more fully in the memorandum in support of this motion and accompanying declarations, a restraining order is appropriate for the following non-exclusive reasons:

1. There is a substantial likelihood that Morris & Dickson will succeed on the merits of its claim that the License Suspension Order was unlawful and violated both federal law and Morris & Dickson's due process rights.
2. Morris & Dickson and its customers will suffer irreparable harm if the requested temporary relief is not issued and the company's shipments of vital medicines containing controlled substances are disrupted.
3. The harm Morris & Dickson would suffer as a result of the denial of the injunction far outweighs the harm, if any, Defendants would suffer if the injunction is granted.
4. The public interest will be harmed if temporary relief is not granted.

WHEREFORE, Morris & Dickson prays that this Court issue all process necessary and appropriate to:

- (1) prohibit Defendants, Jefferson B. Sessions, III, the United States Department of Justice, Robert W. Patterson, the DEA, or anyone acting on their behalf from enforcing the Order to Show Cause and Immediate Suspension of Registration (the "License Suspension Order") executed on May 2, 2018 to Morris & Dickson, which purports to immediately suspend DEA Certificates of Registration Nos. RM0314790 and RM0335732 (the "Certificates");
- (2) direct Defendants to immediately return any registrations, licenses, or forms required to make this Court's temporary restraining order effective;
- (3) direct Defendants to return or unseal any controlled substances seized or placed under seal in connection with the License Suspension Order; and
- (4) postpone the effective date of the License Suspension Order and to maintain the foregoing requested status quo pending the conclusion of this case, including issuance of a temporary

restraining order and a preliminary injunction.

(5) grant such further and other relief as this Court deems just and proper.

Respectfully submitted,

/s/ Reid A. Jones

Frank H. Spruiell, Jr. (#1611)

Reid A. Jones, La. Bar No. 34611

WIENER, WEISS & MADISON

A Professional Corporation

333 Texas Street, Suite 2350 (71101)

P. O. Box 21990

Shreveport, Louisiana 71120-1990

(318) 226-9100, telephone

(318) 424-5128, facsimile

Email: fspruiell@wwmlaw.com

Email: rjones@wwmlaw.com

Counsel for Morris & Dickson Co., LLC